

Due: September 15, 2006

After Final Office Action of June 15, 2006

REMARKS

Claims 1, 8-10, and 14-22 are pending in the present application. Claims 1, 8-10, and 14-20 have been amended. Claims 21 and 22 are new. Claim 1 is the sole independent claim. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and following remarks.

Rejection Under 35 U.S.C. § 102

Claims 1, 8-10, and 14-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,347 to Kaneko et al. (hereafter "Kaneko"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Initially, Applicants respectfully refer the Examiner to MPEP § 2131, which sets forth the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Kaneko does not set forth each and every element as defined in the claims. Thus, the Examiner's rejection based on § 102 has been obviated.

Independent claim 1 recites that one or more tables are produced as the associated data. Claim 1 further recites, "when the amount of information in the associated data exceeds an amount necessary to achieve a sending-out rate equal to or lower than the prescribed upper limit bit rate and a sending out frequency for at least one type of table equal to or higher than a specific sending-out frequency of the at least one type of table, the amount of data in at least one

Due: September 15, 2006

After Final Office Action of June 15, 2006

of the tables is decreased so that the amount of information in the associated data is less than or equal to the necessary amount.”

As such, claim 1 recites decreasing the amount of data in a table when it is necessary to do so in order to (1) achieve a bit rate equal to or lower than a predetermine bit rate, and (2) achieve, for a particular type of table, a sending-out frequency that is greater than or equal to a specific frequency. Applicants respectfully submit that Kaneko fails to disclose these features.

Instead, Kaneko’s system merely adjusts the sending-out frequency for a type of table based on a predetermined bit rate. This is particularly disclosed in col. 12, lines 42-47 of Kaneko:

circuit 28. The bandwidth adjuster 27 adjusts or determines a cycle of output of the packetized data 33 from the control data outputting circuit 22 so that all the table information element 32 can be transmitted completely in a desired transmission bandwidth (i.e., at a desired data rate) by look-up using a bandwidth adjustment table 34 and prepares

The adjustment of the sending-out frequency (cycle of output) is also described in col. 14, lines 20-63 of Kaneko.

Thus, it is clear that Kaneko uses achievement of a predetermined bit rate as a condition for modifying the sending-out frequency of a type of table, rather than using achievement of both a predetermined bit rate and specific sending-out frequency to decrease the amount of data in a table, as claimed.

It is further noted that the Examiner cites col. 17, lines 10-15 of Kaneko in the rejection. This section of Kaneko states the following:

When the amount of data of each table is greater than a preselected threshold value (e.g., 25 MB), sub-tables thereof are divided into sub-groups. For example, SEIT has a large amount of data and thus divided into sub-groups 0 and 1, as shown in the drawing.

Due: September 15, 2006

After Final Office Action of June 15, 2006

This particular teaching of Kaneko does not consider whether a predetermined *bit rate* would be achieved when determining whether to divide the SEIT data into subgroups. Kaneko teaches comparing the amount of data to a *threshold amount*, rather than predetermined bit rate to determine whether to divide the data into sub-groups. Kaneko performs this division of data so that the data can be packetized for more efficient transmission (see col. 17, lines 16-27). This teaching is unrelated to the adjustments made by Kaneko based on the predetermined bit rate.

Thus, Applicants respectfully submit that Kaneko fails to teach each and every feature of independent claim 1. Accordingly, Applicants submit that claim 1 allowable, and claims 8-10 and 14-20 are allowable at least by virtue of their dependency on an allowable claim. As such, Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

Entry of this Amendment After Final is respectfully requested. In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

Due: September 15, 2006

After Final Office Action of June 15, 2006

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Due: SEP 14 2006

Respectfully submitted,

By 

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant